

Notice of Allowability

Application No.

10/562,614

Applicant(s)

STUXBERG ET AL.

Examiner

Erica E. Cadugan

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to dkt no. ERI0019.US, filed 3/3/2006, and interview of 11/20/06.
2. ☒ The allowed claim(s) is/are 4-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>12/23/2005</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in an interview with Mr. Todd Taylor on November 20, 2006.

The application has been amended as follows:

On page 1 of the specification, the following has been inserted between the title "ORBITAL MACHINING APPARATUS" and the heading "Background of the Invention":

--The present application is the national stage of PCT/SE04/01036, filed June 28, 2004, which claims benefit of U.S. provisional application 60/481,026, filed June 26, 2003.--

2. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: the label "Prior Art" has been added to Figure 1. Additionally, Figure 5 has been relabeled as --Figure 6-- and Figure 6 has been relabeled as Figure 5. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

3. The following is an examiner's statement of reasons for allowance:

U.S. Pat. No. 6,663,327 to Linderholm et al. (which incidentally is a family equivalent to WO 03/008136 A1, described on at least pages 1-2 of Applicant's specification), is considered to represent the closest prior art of record to the present invention as set forth in independent claim

4.

Linderholm teaches the “orbital machining apparatus for producing a hole in a workpiece by way of a cutting tool”, the apparatus having a “first actuator” 12, a “second actuator” 22, a third actuator” 20, a “radial offset mechanism” 18, an “inner cylindrical body” 24, and an “outer cylindrical body” 36 that function as claimed (see Figure 1 of Linderholm, as well as col. 3, line 15 through col. 4, line 21, for example).

However, Linderholm teaches the use of an “Oldham coupling 56, or any equivalent coupling element” (col. 3, lines 62-63) instead of teaching any “said second drive element being rotatably connected to a carrier ring by way of two diametrically opposed, radial drive pins such that said carrier ring performs a radial sliding movement along a longitudinal axis of said drive pins relative to said second drive element while being rotated thereby, said carrier ring being connected to said inner cylindrical body by way of two diametrically opposed, radial carrier guide shafts, which are circumferentially spaced 90° from said drive pins, such that said inner cylindrical body performs a radial sliding movement relative to said carrier ring while being rotated thereby” as set forth in independent claim 1.

Thus, for at least the foregoing reasoning, Linderholm does not anticipate the present invention as set forth in independent claim 4.

Also, there is no combinable teaching in the prior art of record that would reasonably and absent impermissible hindsight motivate one having ordinary skill in the art to so modify the teachings of Linderholm, and thus, for at least the foregoing reasoning, Linderholm does not render obvious the present invention as set forth in independent claim 4.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

Art Unit: 3722

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

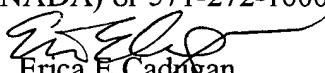
4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Specifically note that U.S. Re. 36,053 teaches an example of an Oldham coupling.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadogan whose telephone number is (571) 272-4474.

The examiner can normally be reached on M-F, 6:30 a.m. to 4:00 p.m., alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on (571) 272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Erica E Cadogan
Primary Examiner
Art Unit 3722

eec
November 21, 2006

Approved
ECC
11/21/06

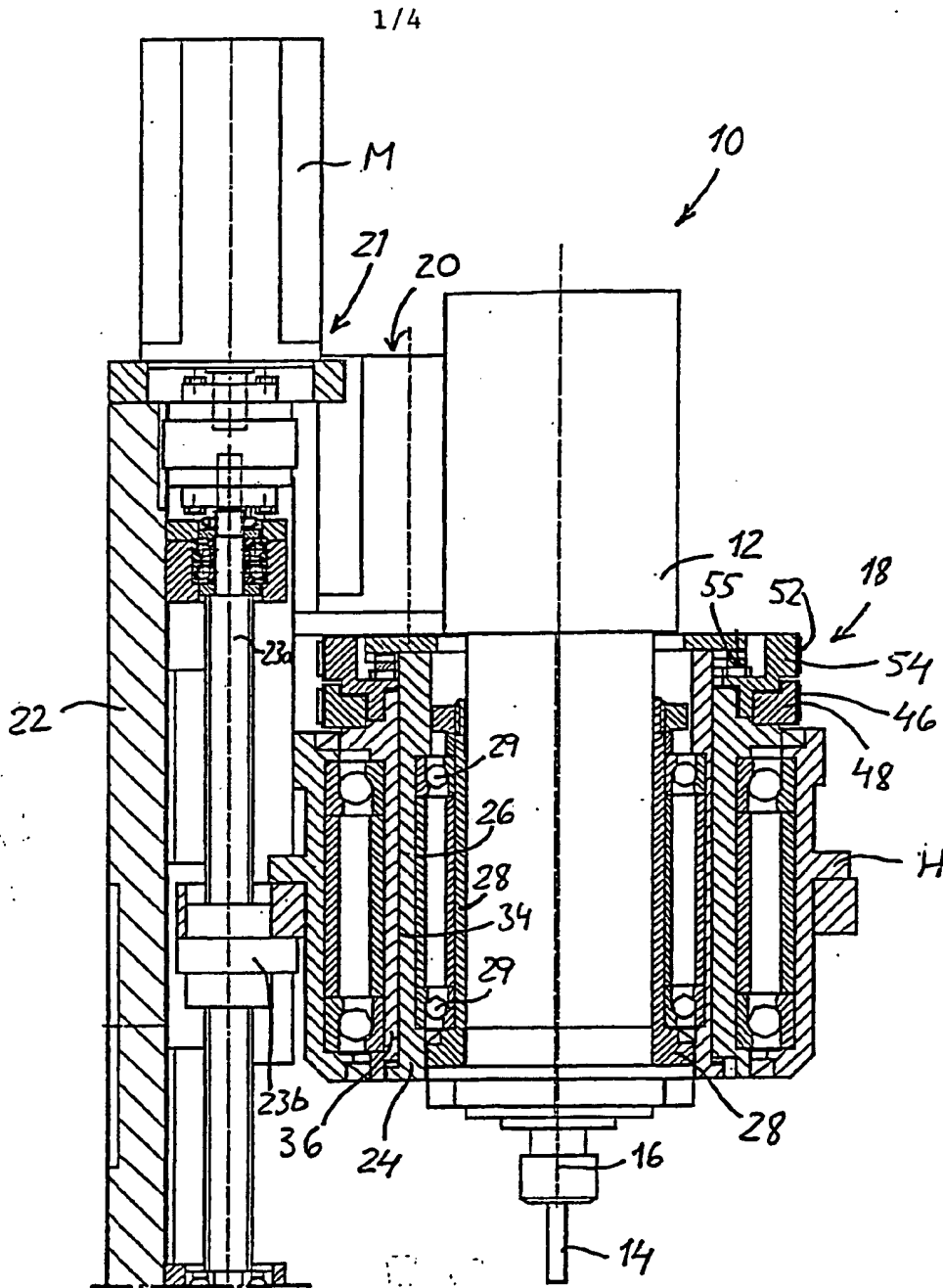
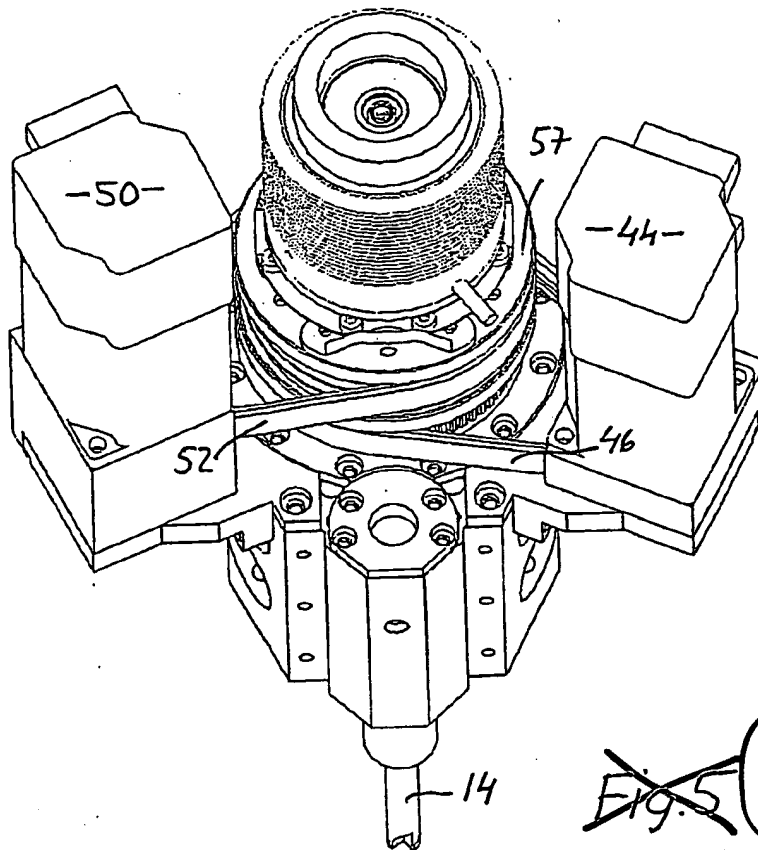


Fig. 1

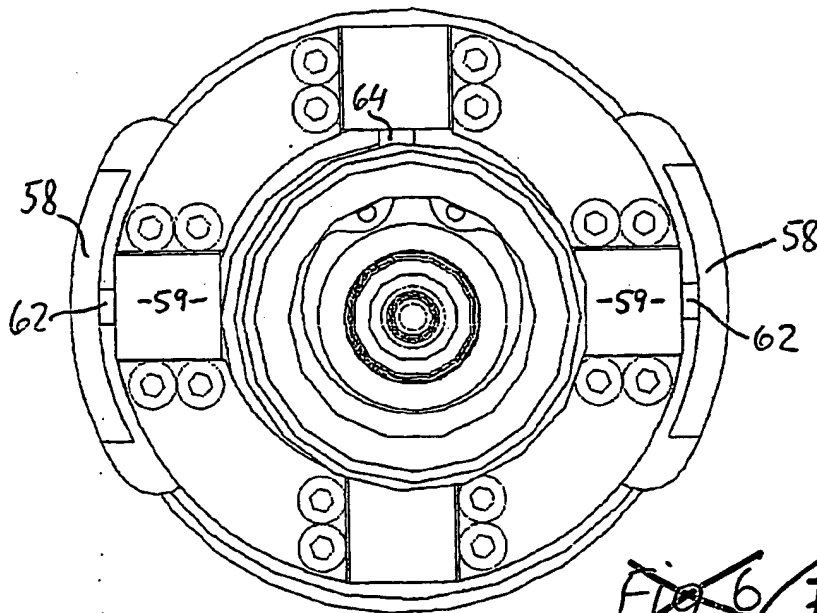
PRIOR ART

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4/4



~~Fig. 5~~ Fig. 6



~~Fig. 6~~ Fig. 5